IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7684 of 1989

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

C.R. BIHOLA

Versus

STATE OF GUJARAT

Appearance:

MR NS DESAI for MR YN OZA for Petitioner

MR RJ OZA for Respondent No. 1

MR PREMAL JOSHI AGP for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 25/08/2000

ORAL JUDGEMENT

Heard the learned advocates.

2. The petitioner, a Section Officer in Gujarat Public Service Commission, the respondent no. 2 herein,

has preferred this petition under Article 226 of the Constitution of India under an apprehension that two other Section Officers; one Mr. S.N Raol and Shri L.N Patel would be promoted to the post of Deputy Secretary in gross disregard to the principles of service jurisprudence and the criteria of promotion and in gross misinterpretation of the roster policy. The petitioner has also challenged the validity of proviso to Rule 11-A of the Gujarat Civil Services [Classification & Recruitment] General Rules, 1967.

3. The petition requires to be dismissed because, first, the petition is premature ie., the petition has been preferred at the stage when Shri S.N Raol and Shri N.L Patel, according to the petitioner, were likely to be promoted to the post of Deputy Secretary. Even today, the learned advocate is unable to say whether Shri Raol and Shri Patel have been promoted as Deputy Secretary, as apprehended, or not. Second, the petition is bad for non-joinder of the necessary parties. Though the challenge is to the promotion of Shri S.N Raol, he has not been impleaded as party respondent. Third, the petition is vague inasmuch as though it is alleged that the above referred two Section Officers were likely to be promoted in gross disregard to the principles of service jurisprudence and the criteria of promotion and in gross misinterpretation of roster policy, no specific averments are made as to which of the principles of service jurisprudence was likely to be violated or how the roster policy was likely to be misinterpreted. The criteria for promotion is also not placed on the records of the matter.

Since the petition requires to be dismissed on the above grounds, I do not examine the validity of the proviso to Rule 11-A of the aforesaid rules.

For the reasons stated hereinabove, the petition is dismissed with costs. Rule is discharged.

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Prakash*